

BY THE COMPTROLLER GENERAL

Report To The Congress

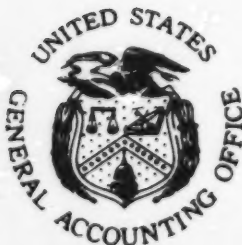
OF THE UNITED STATES

COMPLETED

Prospects Dim For Effectively Enforcing Immigration Laws ORIGINAL

The inability of the Immigration and Naturalization Service to effectively enforce immigration laws is underscored by the estimated 5 million illegal aliens living in the United States. The actions necessary to enforce immigration laws are known--sealing the borders, adopting employer sanctions, and issuing worker identification cards. These steps are, at best, highly controversial.

A Select Commission on Immigration and Refugee Policy has been established to evaluate the immigration situation and to recommend improvements. Its recommendations and any resulting congressional action will not be effective unless the Government improves its ability to enforce immigration laws. Improvement is uncertain, however, because of many obstacles.



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COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

PROSPECTS DIM FOR
EFFECTIVELY ENFORCING
IMMIGRATION LAWS

D I G E S T

The Immigration and Naturalization Service has not been able to adequately enforce immigration laws and the prospects for its doing so are dim. It has neither the legal means nor sufficient resources to stem the growing number of illegal aliens entering the United States.

Most aliens enter the country seeking employment at wages above those available in their own country. But U.S. immigration laws limit the number of aliens who can enter legally--600,000 immigrants were admitted legally in fiscal year 1978. The number of aliens entering illegally is unknown but annually about 1 million are apprehended and removed from the United States, primarily at the borders.

Law enforcement measures necessary to control illegal immigration are known, but are not likely to be taken, at least not for some time. The two major steps--assigning large numbers of personnel to seal the border and, as a condition of employment, requiring people in the United States to prove their right to be here and to be employed--are drastic actions. The costs in terms of strained international relations, restrictions on freedom of the citizenry, and increased resources for law enforcement would be formidable.

A Select Commission on Immigration and Refugee policy has been established to evaluate immigration laws, policies, and procedures and to make such administrative and legislative recommendations as are appropriate. The Commission's recommendations and any resulting legislative actions

will not be fully achieved unless the Government improves its ability to enforce the immigration laws.

IMMIGRATION HAS NOT
BEEN CONTROLLED

The Service's inability to enforce immigration laws is clearly indicated by the fact that the country has a large illegal alien population. No one knows exactly how many, but in January 1980, some staff at the Census Bureau estimated the number to be about 5 million.

About 40 percent of the illegal aliens are persons who entered the country legally and then violated a condition of their entry. About 60 percent are persons who entered illegally, either through the use of forged documents or by crossing U.S. land and sea borders without inspection. (See pp. 1 and 2.)

Once safely inside the United States, an illegal alien has little chance of being located and deported. The Service simply does not know the number of illegal aliens or who and where they are. The system for identifying aliens entering legally then violating a condition of entry does not produce timely, reliable data. Aliens who enter the country surreptitiously are not part of any reporting system and the cost and legal barriers to identifying and apprehending them are formidable.

Most of the actions the Service is taking to cope with the problem are directed at developing information systems to determine whether legal nonimmigrants have violated a condition of entry. However, it must overcome problems of reliability and timeliness in these systems. Even if perfected, the systems will only help to identify some illegal aliens. The Service will still be unable to identify, locate, and apprehend aliens who enter illegally. (See pp. 19 to 24.)

PROBLEMS WITH TIGHTER
BORDER CONTROL

The Service has long maintained that, although the borders realistically cannot be made impenetrable to illegal entry, greater enforcement efforts are clearly possible. In keeping with this theme, it developed a prevention plan in 1978 for reducing the flow of illegal aliens. The plan called for an increase of at least 2,000 personnel, including 1,000 for border enforcement operations.

These personnel and other costs for fencing, sensors, helicopters, etc. would have required an increase of \$125 million in the Service's \$250 million annual operating costs. Most of this would have gone to secure about 10 percent of the 2,000 mile Mexican border, which is but a quarter of the Nation's 8,000 mile border. (See pp. 12 and 13.)

Over 92 percent of all deportable aliens apprehended in 1978 came from Mexico. A 1978 report by the House Select Committee on Population concluded that, of the illegal aliens in the country, about 60 percent were Mexicans. Hence, stopping illegal entry may require more than sealing the Mexican border. (See pp. 2 and 4.)

The amount of resources devoted to border operations has increased, but not substantially. In fiscal year 1976 there were about 2,400 border patrol personnel, and border enforcement cost about \$62 million. For 1981 there are 2,500 personnel and costs of \$72 million. (See p. 13.)

The increases are obviously far below those called for in the 1978 prevention plan. The Attorney General has stated that Service resources devoted to preventing illegal entry will not change significantly for some time. (See p. 5.)

PROBLEMS IN REMOVING
INCENTIVE FOR ILLEGAL
IMMIGRATION

The primary incentive for illegal immigration is employment. However, no Federal sanctions exist to use against employers who willingly hire illegal aliens. Since 1970, eight bills have been introduced in the Congress to make it unlawful to hire illegal aliens. Generally, the bills call for sanctions only against employers who "knowingly" hire an alien not entitled to work and who engage in a "pattern or practice" of unlawful hirings. None of the bills have become law.

Eleven States have enacted laws prohibiting the employment of illegal aliens. In only one case was a judgment rendered under one of these statutes; the defendant was fined \$250.

The major concerns about employer sanctions are that employers, without some way to determine who has the right to work, will (1) engage in discriminatory hiring practices by refusing to hire foreign-looking persons and (2) not incur sanctions because of the difficulty of proving that illegal aliens were knowingly hired and that there was a practice or pattern of these hirings. (See pp. 8 and 9.)

Identifying persons entitled to work in this country through some sort of identification card is an idea which has not been accepted in the past. In the mid-1970s, a Federal Advisory Committee on False Identification and the House Judiciary Committee rejected any step toward a national identification or work permit card.

Today there is still opposition to the identification card concept, but the general public seems more willing to accept such a card to control the influx of illegal aliens. A 1977 Roper Poll response showed that 51 percent of

those polled were in favor of an identification card. An additional 29 percent, although not in favor of the identification card, were in favor of a right-to-work card.

The Select Commission on Immigration and Refugee Policy is considering employer sanctions and the means to enforce them. Whatever the outcome, it will be costly and may take years to implement a reasonably secure card system that will significantly hamper illegal aliens from obtaining jobs. (See pp. 5 and 11.)

AGENCY COMMENTS

The Department of Justice agrees that the Immigration and Naturalization Service is presently unable to effectively reduce the number of undocumented aliens in the United States and that without the implementation of measures such as those discussed in this report, little progress in solving the immigration problem is likely. (See app. I.)

MATTER FOR CONSIDERATION BY THE CONGRESS

The Congress will be asked, on the basis of the Select Commission's work, to consider recommendations to change immigration laws, policies, and procedures. Expectations are that a rational and humane policy will be developed that will still limit the number of immigrants to be accepted. To the extent that it contains limitations, the policy's objectives will not be fully achieved unless the United States improves its ability to enforce the immigration laws.

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- I Letter dated September 26, 1980,
from the Assistant Attorney General
for Administration, Department of
Justice

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ABBREVIATIONS

GAO	General Accounting Office
INS	Immigration and Naturalization Service